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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,040	01/14/2002	Paul Brian Duerk	Duerk 2-2	3492
22046	7590	05/20/2005	EXAMINER	
LUCENT TECHNOLOGIES INC.			CHOW, MING	
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DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,040

Applicant(s)

DUERK ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claim 7 recites "the apparatus" (line 4). There is insufficient antecedent basis for this limitation in the claim.

Drawings

2. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "base station controller" of claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "dropped" is not clearly defined. For example, it is unclear the claimed "the user's mobile device is dropped during a call" (line 3 of claim 1) refers to the mobile device is dropped from the user's hand to the floor, or a call made by the mobile device is disconnected. The same rejection also applies to other claims where the term "drop" (or "dropped") is claimed.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5, 13, 18, 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed phrase “said party to be notified that the call has been dropped and that said party is being connected to the voice mail system associated with said dropped mobile device user” was not fully described in the specification. The Specification, on line 28 page 8, disclosed “prompting the caller to leave a message” without further disclosing the prompting detailed the call has been dropped and that said party is being connected to the voice mail system associated with said dropped mobile device user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 7, 9, 11, 13, 15, 16, 18, 20, 21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Amin et al (US: 5995830).

For claims 1, 2, 7, 9, 15, 20, Amin et al teach on items 122, 108, 126 of Fig. 1, MSC, voice mail node, and HLR (the claimed “voice message processing circuitry”) in communication with a mobile telephone (claimed “cell equipment”).

Amin et al teach on column 2 line 1-31, determining the call is dropped and the user is connected to the voice mail node.

Regarding claims 3, 11, 16, 21, Amin et al teach item 102 Fig. 1, landline telephony device; item 120 Fig. 1, PSTN.

Regarding claims 5, 13, 23, Amin et al teach on column 4 line 59-67, the calling party is notified that the call has been dropped.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 12, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 2 above.

Amin et al failed to teach the party communicates with the dropped mobile device user over the wireless network via a mobile telephone device. However, "Official Notice" is taken that a plurality of mobile telephone users communicate to each other within the same wireless network via the same MSC is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the party communicates with the dropped mobile device user over the wireless network via a mobile telephone device such that the modified system of Amin et al would be able to support the system users better control of dropped calls among mobile phone users within the same wireless network and the same MSC.

8. Claims 6, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Amin (US: 6418307, hereafter Amin-8307).

Amin et al failed to teach a signal to be transmitted to the cell equipment and notifies a message has been left. However, Amin-8307 teaches on column 1 line 46-61, the message center sends a notification to the cellular phone subscriber.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have a signal to be transmitted to the cell equipment and notifies a message has been left as taught by Amin-8307 such that the modified system of Amin et al would be able to support the system users a better and efficient method of notification to retrieve a voice message.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above.

Amin et al failed to teach a second MSC and a second wireless network. However, "Official Notice" is taken that two mobile telephone users communicate each other while each user belongs to different cell and different MSC of different wireless network is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have a second MSC and a second wireless network such that the modified system of Amin et al would be able to support the system users to communicate with other mobile telephone users in a different cell of different MSC of different wireless network.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 7 above, and in view of Barvesten (US:6311057).

Amin et al failed to teach the voice messaging circuitry is comprised at a base station controller that interfaces with a MSC. However, Barvesten teaches on column 4 line 30-40 and Fig. 1, when a callee is detected by the BSC to be operatively unavailable, the BSC forwards to the caller to a voicemail system. The BSC interfaces with the MSC.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the voice messaging circuitry is comprised at a base station controller that interfaces with a MSC as taught by Barvesten such that the modified system of Amin et al would be able to support the system users a versatile BSC to perform limitations as claimed in claim 7.

Conclusion

11. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Whitfield (US: 5995824) teaches cellular phone voice recorder.

12. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703)

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305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600